

Docket No.: 219918US3PCT

OBLON
SPIVAK
MCCLELLAND
MAIER
&
NEUSTADT

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

P.C.

C. IRVIN MCCLELLAND (703) 413-3000 IMCCLELLAND@OBLON.COM

RE: Application Serial No.: 10/049,903

Applicants: Takahide ITOH, et al. Filing Date: February 20, 2002 For: SCROLL COMPRESSOR

Group Art Unit: 3748

Examiner: TRIEU, Theresa

RECEIVED

NOV 1 4 2003

TECHNOLOGY CENTER R3700

SIR:

Attached hereto for filing are the following papers:

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
ATTORNEY DECLARATION
COPY OF NOTICE OF ABANDONMENT DATED SEPTEMBER 30, 2003
DOCKETING SYSTEM HARD COPY
COPY OF COMPUTER MAIL LOG PRINTOUT NOVEMBER 14, 2002 THROUGH
NOVEMBER 28, 2002

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,

MAIER & NEUSTADT, P.C.

Customer Number

22850

(703) 413-3000 (phone) (703) 413-2220 (fax) I:\user\DGHOD\PET WTH ABAN\219918US FAIL OA CVR LTR.DOC

C. Irvin McClefland

Registration No. 21,124

James D. Hamilton Registration No. 28,421



IN RE APPLICATION OF:

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Takahide ITOH, et al.

: EXAMINER: TRIEU, Theresa

SERIAL NO: 10/049,903

: GROUP ART UNIT: 3748 RECEIVED

FILED: February 20, 2002

NOV 1 4 2003

TITLE: SCROLL COMPRESSOR

TECHNOLOGY CENTER R3700

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Commissioner for Patents Alexandria, VA. 22313-1450

Sir:

Responsive to the Notice of Abandonment dated September 30, 2003, Applicants, through counsel of record, respectfully requests that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Office Action mailed by the Patent and Trademark Office on November 15, 2002 was not received by Applicant's Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

Application No. 10/049,903

Inventor: Takahide ITOH, et al.

Request for Withdrawal of Holding of Abandonment Based on Failure to Receive Office Action

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After receiving the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the present Application, nor did it show receipt of the November 15, 2002 Office Action (see

attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file did not contain November 15, 2002 Office Action. The Patent Office computerized Mail Log was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the Patent Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from November 14, 2002 through November 28, 2002 and found to contain no record of having received the November 15, 2002 Office Action for the above-identified application.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the November 15, 2002 Office Action and therefore, the holding of abandonment was issued in error.

Application No.: 10/049,903 Inventor: Takahide ITOH, et al

Request for Withdrawal of Holding of Abandonment Based on Failure to Receive Office Action

3

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

C. Irvin McClelland Registration No. 21,124 Attorney of Record

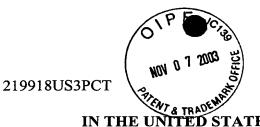
James D. Hamilton Registration No. 28,421

Customer Number **22850**

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CIM//dgh

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

: ATTN:

Takahide ITOH, et al.

: EXAMINER: TRIEU, Theresa

SERIAL NO.: 10/049,903

: GROUP ART UNIT: 3748

FILED: FEBRUARY 20, 2002

TITLE: SCROLL COMPRESSOR

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ATTORNEY DECLARATION

TECHNOLOGY CENTER R3700

COMMISSIONER FOR PATENTS Alexandria, VA 22313-1450

Sir:

I, C. Irvin McClelland, attorney of record in the above-identified application, declare the attached to be a true and accurate copy of material to and from the Patent Office from our file including a copy of PTO Communication letter dated September 30, 2003.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11 7 0 2

C. Irvin McClelland Registration No. 21,124

Attorney of Record

Customer Number 22850

(703) 413-3000

CIM/dgh

I:\user\DGHOD\PET WTH ABAN\219918US ATTY DEC.DOC

James D. Hamilton Registration No. 28,421

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Vignia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,903	02/20/2002	Takahide Itoh	219918US3PCT	2367
22850 75	590 09/30/2003			
		D, MAIER & NEUSTADT, P.C.	ЕХАМП	NER
1940 DUKE ST ALEXANDRIA			TRIEU, TH	IERESA
			ART UNIT	PAPER NUMBER
			3748	· · · · · · · · · · · · · · · · · · ·
			DATE MAILED: 09/30/2003	10

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

NOV 1 4 2003 TECHNOLOGY CENTER R3700

RECEIVED: OBLON, SPIVAK, McCLELLAND MAIER & NEUSTADT, P.C.

DOCKETING DEPT. Initials/Date Docketed: Pax 10-2

Type of Resp(s): Pet to w() Due Date(s):

PTO-90C (Rev. 07-01)



Application No.	Applicant(s)		
10/049,903	ITOH ET AL.		
Examiner	Art Unit	-	
Thornes Triev	2749		

Notice of Abandonmen Theresa Trieu -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--This application is abandoned in view of: 1. Applicant's failure to timely file a proper reply to the Office letter mailed on 15 November 2002. (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____. (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the nonfinal rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) ⊠ No reply has been received. 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) The submitted fee of \$____ is insufficient. A balance of \$____ is due. The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_ (c) The issue fee and publication fee, if applicable, has not been received. 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply. (b) \(\subseteq \text{ No corrected drawings have been received.} \) 4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. 5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application. 6. The decision by the Board of Patent Appeals and Interference rendered on ____ and because the period for seeking court review of the decision has expired and there are no allowed claims. 7. Marca The reason(s) below: Also, a courtesy phone call was made to Mr. Surrinder Sachar on July 15, 2003 regarding the status of the instant application. No respond has been filed for the Office Action mailed on November 15, 2002. Abandonment of the instant application was confirmed. HOMAS DENION

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

11/06/2003

Case ID: 219918-US

Country: United States of America

Docket Number: 219918US-1937-27-3-PCT

Previous Docket:

Case Type: PCT.US.1.P - U.S. PCT - 20 months (with priority)

Case Status: Pending

Status Desc:

Keyword:

Title: SCROLL COMPRESSOR

Application Number: 10/049,903

Effective US Filing Date: 00/00/0000

Filing Date: 02/20/2002

Interference Number:

Group Number: 3748

PCT Filing Date: 6/20/2001

Section: Elec/Mech

PCT Number: PCT/JP01/05243

Bill Matter Number: Patent Number:

Issue Date: 00/00/0000

Tax Schedule: Large

Expiration Date: 00/00/0000

Prev. Short Docket:

Publication A Date: 08/22/2002

9,

Publication A #: US-2000-0114719-A1

Term Ext / Adj Days: 0

_

Appeal No:

Family Number: 219918 Last Updated Date: 04/29/2002

Last Updated By: CHXAY

Created Date: 02/20/2002

Created By: CYPAR

xfer in Date: 00/00/0000

xfer out Date: 00/00/0000

ODS Related Cases:

Senior Party Name:

Junior Party Name:

Remarks:

CLIENT ROLES

Client ID: 27

Name: MITSUBISHI HEAVY INDUSTRIES, LTD.

Client Ref:

Role: Dkt No Assignee/Applicant

Client ID: 27

Name: MITSUBISHI HEAVY INDUSTRIES, LTD.

Client Ref:

Role: Assignee

Client ID: 1937

Name: SHIGA INTERNATIONAL PATENT OFFICE

Client Ref: OSP-11829

Role: Correspondence Client

Client ID: 1937

Name: SHIGA INTERNATIONAL PATENT OFFICE

Client Ref: OSP-11829

Role: Primary Billing Client

INVENTORS

Order Official Name

ITOH Takahide

2 SASAKAWA Chikako

3 MATSUDA Susumu

PRIORITIES

Application Number

Country

Date Filed

2000-188198

Japan

06/22/2000

RD COPY - Patents

11/06/2003

10/049,903

JJNOW

Page 2 of 3

ATTORNEYS

McClelland, C. I. (Responsible Attorney)

E/M

Elec/Mech Department, - . (Working Attorney)

ASSIGNMENTS

Description: Assignment

Executed Date: 00/00/0000

Reel Number: 012867

Frame Number: 0200

Record Date: 05/06/2002

Assignment Filed Date: 05/06/2002

ASSIGNMENT PARTIES

Role

Client ID

Name

Inventors

Percentage

Assignee Assignor

27 777777 MITSUBISHI HEAVY INDUSTRIES, LTD.

100 100

DUE DATES

Due Date Description: IDS Due

Date Due: 02/22/2002 Indicator: Due Date

Date Cleared: 02/20/2002

Cleared W/O Action: No

Due Date Description: Priority File By (20 mos)

Date Due: 02/22/2002 Indicator: Final

Date Cleared: 02/20/2002

Cleared W/O Action: No

Due Date Description: IDS Due

Date Due: 03/07/2002 Indicator: Due Date

Date Cleared: 03/07/2002

Cleared W/O Action: No

Due Date Description: 1.56 File By

Date Due: 04/09/2002 Indicator: Due Date

Date Cleared: 04/09/2002

Cleared W/O Action: No

Due Date Description: Follow up IDS Ack

Date Due: 05/20/2002 Indicator: Due Date

Date Cleared: 00/00/0000

Cleared W/O Action: No

Due Date Description: Follow up IDS Ack

Date Due: 06/07/2002 Indicator: Due Date

Date Cleared: 00/00/0000

Cleared W/O Action: No

Due Date Description: OFR Rcvd

Date Due: 08/20/2002 Indicator: Status Check

Date Cleared: 04/29/2002

Cleared W/O Action: No

Due Date Description: 1.56 File By

Date Due: 08/31/2002 Indicator: Due Date

Date Cleared: 08/30/2002

Cleared W/O Action: No

10/049,903

JJNOW

Page 3 of 3

DUE DATES

Due Date Description: IDS Due

Date Due: 07/26/2003 Indicator: Due Date Date Cleared: 07/17/2003 Cleared W/O Action: No

Due Date Description: Follow up IDS Ack

Date Due: 10/17/2003 Indicator: Due Date Date Cleared: 00/00/0000 Cleared W/O Action: No

Due Date Description: IDS Due

Date Due: 11/21/2003 Indicator: Due Date Date Cleared: 00/00/0000 Cleared W/O Action: No

Due Date Description: Pet to w/d Aband

Date Due: 11/30/2003 Indicator: Due Date Date Cleared: 00/00/0000 Cleared W/O Action: No

Due Date Description: 1st OA Status

Date Due: 12/31/2003 Indicator: Status Check Date Cleared: 00/00/0000 Cleared W/O Action: No

Page 1 of 7

PTO Mail Log Report From 11/14/2002 to 11/28/2002

REJECTION 09/587/367 192362US 11-13-2002 11-14-2002 REJECTION 09/743/277 20/327US 11-13-2002 11-14-2002 REJECTION 09/545/802 20/480US 11-12-2002 11-15-2002 REJECTION 09/545/922 22/543US 11-12-2002 11-15-2002 REJECTION 09/645/922 22/543US 11-12-2002 11-15-2002 REJECTION 09/873/1830 22/543US 11-12-2002 11-15-2002 REJECTION 09/873/1830 20/480US 11-12-2002 11-15-2002 REJECTION 09/873/1830 20/480US 11-12-2002 11-15-2002 REJECTION 09/873/144 20/8874 21/889US 11-12-2002 11-15-2002 REJECTION 09/953/144 21/889US 11-12-2002 11-15-2002 REJECTION 09/143/547 21/889US 11-12-2002 11-16-2002 REJECTION 09/453/451 29/389/212 11-12-2002 11-16-2002 REJECTION 09/453/451 29/389/212 11-12-2002 11-16-2002 REJECTION 09/453/352 6.640/314 11/8982US 11-12-2002 11-16-2002 REJECTION 09/453/352 6.640/314 11/8982US 11-12-2002 11-16-2002 REJECTION 09/453/352 6.640/314 11/8982US 11-12-2002 11-16-2002 REJECTION 09/453/368 6.621/661 19/038US 11-12-2002 11-16-200		CDFR - Application # Patent #/Reg # - Case Id - Ba	Patent #/Reg # +	- Case Id		Date Royd
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09/616,941 194403US 11-19-2002 195052US 11-20-2002 196732,721 194715US 11-20-2002 196752,312 196815US 11-20-2002 197706,945 196815US 11-20-2002 197706,945 199733US 11-20-2002 197732,740 197732,740 199732US 11-20-2002 199742,077 199742,077 199742,077 199742,077 199743,273 199763,862 203801US 11-20-2002 199778,104 199783US 11-20-2002 199763,862 203801US 11-20-2002 199742,077 198634US 11-20-2002 11-20-2002 199742,077 198634US 11-20-2002 199742,077 198634US 11-20-2002 11-20-2002 199742,077 199634US 11-20-2002 11-20-2002 199742,077 199634US 11-20-2002 11-20-2002 199742,077 11-20-2002 11-20-2002 199763,862 201348US 11-20-2002 1997808,237 20458US 11-20-2002 1997808,240 199781US 11-20-2002 199808,240 199822,418 204682US 11-20-2002 199823,364 205662US 11-20-2002 11-20-2002 199823,364 205662US 11-20-2002 11-20	REJECTION	09/600,163		195457US	11-20-2002	11-25-2002
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